United Nations S/2005/832

Security Council

Distr.: General
28 December 2005

Original: English

Twentieth report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1635 (2005) of 28 October 2005, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 30 September 2006, and resolution 1565 (2004) of 1 October 2004, by which the Council requested me to keep it informed regularly of developments in the Mission area. This report covers major developments since my previous report to the Council, dated 26 September 2005 (S/2005/603).

II. Political developments

2. During the reporting period, the electoral process gained further momentum with significant progress in the registration of voters and the successful conduct of the constitutional referendum on 18 and 19 December. On the political front, on 18 November, the President appointed nine new ministers and six vice-ministers who had been nominated by the components, thus maintaining the balance established under the agreed power-sharing arrangement. Among those cabinet members whose performance had been criticized during debates in the National Assembly in October and November, only the Finance Minister was changed.

3. Changes were also made in several provincial administrations. On 10 November, President Kabila appointed a representative of the political opposition as Governor of South Kivu to replace the incumbent who was suspended on 25 April amid accusations of poor management and misuse of public funds. In mid-November, the Minister of Higher Education was appointed as Governor of Province Orientale, and a representative of the Parti du peuple pour la reconstruction et la démocratie (PPRD) was appointed Governor of Kinshasa, replacing the incumbent, who had been accused of mismanagement and human rights violations, including summary arrests of street children. On 10 December, following a request from Vice-President Bemba, President Kabila made changes among some of the appointees from the Mouvement pour la libération du Congo in the provincial administrations.

05-66287 (E) 030106

4. In accordance with the Transitional Constitution, which stipulates that members of the National Assembly cannot also serve on the boards of public enterprises, the Assembly in October requested its members who held both positions to indicate within 48 hours which post they would continue to hold. Consequently, 24 deputies resigned from the Assembly while 18 decided to relinquish their board memberships. The Senate took a similar decision, without setting a deadline for senators to comply.

5. The anti-corruption operation "Clean Hands" launched by the Presidency in October resulted in the arrest of four high-ranking Government officials on charges of embezzlement. On 11 November, a group of experts from the General Auditing Office, the General Inspection of Finances and the Office of the Presidency issued a report on the mismanagement of tax revenues, indicating that more than $30 million had been illegally diverted from the Treasury between 2001 and 2005.

6. In accordance with Security Council resolution 1635 (2005), the International Committee in Support of the Transition continued to discuss with the transitional authorities the need to address issues of corruption and economic mismanagement. As a first step, at a meeting between the Committee and the *espace présidentiel* on 21 October, it was agreed that, as proposed by President Kabila, such issues would be addressed at biweekly joint meetings. The teachers' strike from 7 September to 17 October and the payment of salaries to State employees were also discussed. The *espace présidentiel* reported that the threat of social unrest had compelled the Government to accede in principle to the demands for increased salaries for public school teachers. However, increased budgetary revenues would be needed in 2006 for that purpose and the Government had called on the international community to provide additional financial support on more flexible terms. The Committee warned that unrealistic promises could have a negative impact on the macroeconomic situation in the Democratic Republic of the Congo and called instead for a sharp reduction in public spending through better management of revenues, including a major cut in the travel and representation expenditures of the transitional institutions.

7. The Security Council mission that visited Central Africa in November met with President Kabila, the four Vice-Presidents, the Presidents of the National Assembly and the Senate, the bureau of the Independent Electoral Commission, the Chairman of the Media High Authority, the Joint Commission on Security Sector Reform and members of civil society. An impromptu meeting was also held with Etienne Tshisekedi, President of the Union pour la démocratie et le progrès social (UDPS), the main opposition party outside the transitional institutions. The Security Council delegation expressed concern about delays in the transitional process, especially in the area of security sector reform, and urged the Transitional Government to speed up integration of the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Congolese national police. Regarding the electoral process, the Security Council mission sent a clear message to all political actors that the elections should be held by 30 June 2006, as prescribed by the Global and All-Inclusive Agreement. The Security Council mission also visited Uganda and Rwanda. During meetings with Presidents Museveni and Kagame, the mission stressed the need for regional support for the transition process in the Democratic Republic of the Congo and for cooperation regarding regional security and the implementation of measures contained in Security Council resolution 1596 (2005).

Legislative agenda

8. Two key legislative items related to elections — the electoral law and the organization of the Conseil Supérieur de la Magistrature — remain on the Parliament's agenda. On 7 November, President Kabila submitted to the National Assembly the draft electoral law, which had been adopted by the Council of Ministers on 25 October. According to the draft, elections to the national and provincial assemblies would be conducted under a proportional representation system, with a closed list of candidates. With regard to the size of the electoral districts — a key factor in determining how the proportional system would operate in practice, and to what extent it would be inclusive — the draft law envisages the establishment of 186 districts based on the existing administrative units, namely, territoires, villes and, for Kinshasa, communes.

9. Major differences persist among the Assembly members on some of the essential provisions of the draft, including the options of using open and closed lists. To help bridge these differences and expedite the adoption of the draft, a joint commission comprising members of the National Assembly and the Senate considered the text. The commission has recommended an amended draft that provides essentially for a combination of three different electoral systems, depending on the number of seats in each constituency.

10. After a long political stalemate, the National Assembly on 29 November adopted the amnesty law along the lines envisaged in the Global and All-Inclusive Agreement, despite a walkout by PPRD and Mayi-Mayi deputies. The law grants amnesty for all political offences, including attempts against the life of the Head of State.

Regional relations

11. The establishment of sustainable mechanisms of regional cooperation remains a prerequisite for stability in the Democratic Republic of the Congo and the Great Lakes region as a whole. During the reporting period, meetings of the Tripartite Plus One Joint Commission resulted in agreements on addressing the issue of foreign armed groups. Ministerial-level representatives of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda addressed a letter to the President of the Security Council on 21 October (S/2005/667), asking the Council to amend the mandate of MONUC to include disarming the foreign armed groups by force. Meanwhile, the countries of the region have continued to face difficulties in fully engaging in other mechanisms designed to address security issues of mutual concern. While there are several practical issues to be addressed by the Joint Verification Commission, it has not met since 3 May. In addition, the Government of Rwanda has not responded to the official request made by the Transitional Government on 14 October to extradite former Colonel Jules Mutebutsi, who was named in the sanctions Committee's list of individuals and entities subject to the measures imposed by resolution 1596 (2005) (www.un.org/docs/sc/committees/DRC/1533_list.htm).

12. Relations between the Governments of the Democratic Republic of the Congo and Uganda have been strained by recent incursions of elements of the Lord's Resistance Army (LRA) into Congolese territory. With the encouragement of

MONUC, however, representatives of the two countries held several meetings and an understanding was reached on cooperation to address the problem. The Democratic Republic of the Congo has moved troops to the Sudan border to prevent further incursions by LRA elements.

Electoral process

13. During the reporting period, voter registration, which had commenced on 20 June, was completed in all provinces. As of 17 December, over 25 million Congolese citizens, of an electorate that had been estimated at 22 to 28 million, had registered to vote. The constitutional referendum, initially slated to take place on 27 November, had to be postponed owing to the need to extend the duration of registration, particularly in the provinces of Bandundu and Equateur.

14. The constitutional referendum was held on 18 and 19 December with a moderate turnout countrywide and with minimal security incidents. Despite fears that the call for a boycott issued by UDPS on 14 December would lead to major disturbances, the security situation on the eve of and during the referendum was generally calm, apart from some incidents and attempts at voter intimidation, notably in the UDPS stronghold of Mbuji-Mayi. Turnout was rather low in the opposition strongholds of the Kasais and in parts of Kinshasa. However, in the eastern provinces of the country, turnout was appreciably higher. Most polling stations opened on time, though several were hampered by the non-availability of essential polling materials, in particular voters' lists, and by distribution failures.

15. The establishment by the Independent Electoral Commission of more than 40,000 voting stations for the referendum was an impressive logistical operation. The list of the polling stations was published on 19 November, one month before the referendum, as stipulated in the referendum law. On 2 November, MONUC began the pre-positioning of referendum materials, in two phases. The Electoral Commission then delivered the materials to all polling stations between 9 and 15 December. The training of polling station officers was done in parallel to the distribution of materials. Presiding officers were given the additional task of making payments to the polling officers and police personnel assigned to work with them, in a bid to minimize the problems associated with staff payments during voter registration.

16. In accordance with the referendum law, a formal information campaign on the referendum was conducted from 2 to 16 December. However, the Electoral Commission, MONUC, most political parties and several non-governmental organizations had been carrying out civic education programmes for several months. Between 20 October and 15 December, MONUC held seminars to train over 600 civil society leaders — including representatives of women's groups, public officials and religious leaders — on the draft Constitution. Nonetheless, civic and voter education activities were generally believed to have been insufficient prior to the referendum and will need to be stepped up in the lead-up to the elections.

17. The gap between available funds and election-related expenditures remains a concern. While pledges cover the electoral budget of $270.4 million managed by the UNDP project for support to the electoral process in the Democratic Republic of the Congo, only $184.4 million has been provided. The major donors are the European Union, Belgium, Canada, Germany, Italy, Norway, the Netherlands, the United

Kingdom of Great Britain and Northern Ireland, Sweden, Switzerland, Japan and UNDP. The United States of America provides direct bilateral assistance to the Independent Electoral Commission. The Government of the Democratic Republic of the Congo has disbursed $15 million of its $40 million budgetary allocation.

Election security

18. Overall planning and funding coordination was ensured through the Groupe Technique de Sécurisation Electorale (GTSE), which was established in April and comprises representatives of the Transitional Government, MONUC, the European Union and other major donors. It is expected to identify the challenges and provide solutions for securing the referendum and elections. GTSE has focused on ensuring the safe delivery of the referendum kits to the 40,000 polling stations, security at the stations, and the safe return of the ballots and results sheets to the Electoral Commission's field offices for tabulation. More than 40,000 Congolese police officers were mobilized to provide support for this operation.

19. The Congolese national police provided static security at most polling stations during the referendum. There were few security incidents during polling, and they were mostly handled professionally by the national police. MONUC provided overall security coverage and assured the safe delivery of polling materials to the 166 redistribution hubs.

20. Of the $58,008,564 pledged by donors to cover the budget of GTSE, agreements have been signed for $37,767,542, of which $17,448,862 has been received by the UNDP project account set up for this purpose. A further $10.8 million is expected to be received shortly. This significant shortfall in funding has resulted in significant delays in the implementation of a number of activities. The Transitional Government has provided $3.2 million of its $4 million budgetary allocation.

III. Implementation of the Mission mandate

Security situation

Ituri and Haut-Uele

21. The security situation improved significantly in Ituri during the reporting period. The mid-October deployment of the FARDC integrated brigade to the gold-mining areas of Kilo and Mongwalu, supported by MONUC, yielded immediate results against elements of the Mouvement révolutionaire congolais (MRC). By early November, close to 1,000 militia elements had surrendered to MONUC and FARDC, handing over 223 weapons and ammunition, and 300 of them were transported to Kisangani for *brassage*. However, the lack of basic support to feed and accommodate the disarmed militia members, who were regrouped at the FARDC camp in Bunia, quickly resulted in problems, and 32 of them escaped within a week of arrival in Bunia.

22. In Irumu territory, south of Bunia, FARDC and MONUC launched a joint operation in mid-November that resulted in some 200 MRC elements fleeing towards North Kivu, where they surrendered and disarmed to FARDC. Some 100

militia elements fled to Uganda, where they handed over their weapons to the Ugandan Peoples' Defence Forces (UPDF). The Governments of Uganda and the Democratic Republic of the Congo have taken steps to organize their repatriation.

23. Security in border areas, particularly in the Aru and Faradje territories, has deteriorated with alleged infiltrations of LRA and Sudanese criminal elements and UPDF troops across the border from the Sudan and Uganda. By the end of September, following reports of an LRA incursion in Aba (Haut-Uele district) and threats by the Government of Uganda to retaliate inside the Democratic Republic of the Congo, FARDC had deployed two commando battalions to Aba, bringing its force levels at the border with the Sudan to 1,200. At the same time, MONUC deployed a military observer team and a company to the same area. Following discussions between the FARDC and UPDF chiefs of staff and the MONUC Force Commander, several meetings between FARDC, MONUC and UPDF were held in the border area to exchange information and discuss the security situation on the ground. In early November, two additional small-scale LRA and UPDF patrol incursions were reported. The security situation improved following the launch of a joint FARDC-MONUC area domination operation around Aba, on the border with the Sudan, and the holding in mid-November of a meeting between FARDC and the Sudanese People's Liberation Army (SPLA) in Aba. A meeting was also held between the United Nations Mission in the Sudan (UNMIS) and MONUC in Juba to review joint mechanisms for exchange of information and possible coordination of operations.

24. Despite the gains on the military front, the overall security situation in Ituri remains fragile. Demobilized combatants who are not receiving their stipends under the disarmament, demobilization and reintegration programme and have not been reintegrated into civilian life are susceptible to rejoining militias, which are reportedly continuing to recruit in Djugu and Irumu territories. In the coming months, MONUC will continue to work with the local authorities and its national and international partners to prepare a programme of support for the extension of State authority in Ituri.

The Kivus

25. The Transitional Government intensified its military pressure on foreign armed groups and Mayi-Mayi elements refusing to enter *brassage* in the Kivus, following the 30 September deadline for voluntary disarmament of foreign armed groups agreed upon by the Tripartite Plus Joint Commission. MONUC has continued to focus on identifying militia strongholds and forcing the groups to vacate territory or join the disarmament, demobilization, repatriation, reinsertion and resettlement programme. Operations focused on (a) addressing concentrations of militia, especially the Forces démocratiques de libération du Rwanda (FDLR) and the Allied Democratic Forces/National Army for the Liberation of Uganda (ADF/NALU), in a phased manner; (b) developing and maintaining the tempo of operations against the militia groups; (c) ensuring flexible logistic support from MONUC to allow for rapid deployments of FARDC; (d) conducting joint operations with FARDC; and (e) supporting the deployment and conduct of operations by FARDC integrated brigades in the Kivus.

26. On 25 October, FARDC declared the Virunga National Park a weapons-free zone and launched operations, supported by MONUC, against renegade Mayi-Mayi

in the area. As a result, 359 Mayi-Mayi elements were disarmed, five camps were destroyed and 167 weapons recovered; 14 FDLR elements were also captured. FARDC also engaged FDLR in the Kasuo area of Lubero territory. While these operations helped improve security in several areas, they also caused the displacement of civilians. In Virunga National Park, approximately 5,000 internally displaced persons from the areas of Bulundule, Bulindi and adjoining villages fled to Kanyabayonga, fearing an influx of FDLR combatants.

27. While military operations against FDLR proceed in the Kivus, fears of reprisals against the civilian population continue. Such fears were realized following a FARDC operation in late September. FARDC captured the localities Bwahungu and Tubimbi, in Walungu territory in South Kivu, after the area had been occupied for almost two months by FDLR and ex-Mayi-Mayi elements allied to FDLR. On 9 October, immediately following the operation, attacks were carried out against civilians in and around the locality of Buba in Walungu territory, allegedly in reprisal, by FDLR/Rastas armed with machetes and sticks. The attacks, some of which occurred only 300 metres from a FARDC checkpoint, caused the deaths of 25 civilians.

28. Following these killings, protests erupted against MONUC among the local population, who feared reprisals if MONUC and FARDC continued to carry out military operations against FDLR. In two letters, those responsible for the massacre expressed their intention to conduct retaliatory attacks against civilians if FARDC continued the deployments of its forces supported by MONUC. Thereafter, MONUC increased its night operations around Kanyola, but a resurgence of violence was noted in Walungu territory, including night attacks and abductions of civilians, allegedly by Rastas.

29. The FARDC chain of command in South Kivu remains weak. In the Ruzizzi plain, three former Mayi-Mayi commanders refused to obey the restructuring orders issued by FARDC commanders before finally entering the *brassage* process in early November. In Minembwe, the security situation has deteriorated because of increased tensions between FARDC personnel loyal to the Transitional Government and those who are refusing *brassage* as well as former Armée nationale congolaise (ANC) elements allied with former Colonel Jules Mutebutsi, who infiltrated into the country from Rwanda in September.

Katanga

30. The security situation in northern and central Katanga continued to suffer from the activities of uncontrolled armed groups and FARDC elements. During the reporting period, Mayi-Mayi militia elements reportedly killed a Catholic priest, looted villages and committed human rights abuses in the area of Moba, Manono and Kabala, causing the movement of approximately 2,000 internally displaced persons.

31. FARDC elements have also been a cause of insecurity in the area, particularly in connection with illegal tax collection and disputes with the provincial authorities. In the Nyunzu-Kabalo-Kongolo area, ex-Mayi-Mayi groups reportedly expanded their territorial control, including over the Lunga gold mines. Outside the main cities, illegal roadblocks have been set up and gross human rights violations by Mayi-Mayi, FARDC, the national police and intelligence and security services have continued unabated. In Kalemie, the presence of some 500 ex-Mayi-Mayi

combatants who had travelled for several weeks to enter the disarmament, demobilization and reintegration process has become a security concern. It is anticipated that MONUC will soon be in a position to help the Transitional Government to mitigate some of these security issues through the deployment of troops, from within the Mission's current military strength of 16,875, to Katanga.

Disarmament, demobilization, repatriation, reinsertion and resettlement of foreign armed groups

32. During the reporting period, the Transitional Government, with MONUC support, intensified its planning and operations to forcibly disarm and repatriate Rwandan and Ugandan armed groups in the country. Several operations have been carried out in North and South Kivu (see paras. 25-29 above) and about 60 Rwandan combatants and their dependants have agreed to enter the demobilization process, some after having been arrested and held in custody by FARDC.

33. As a result of negotiations between the Governments of the Democratic Republic of the Congo and Uganda, with the support of the Government of Ireland, on 8 November the Ugandan Amnesty Commission opened a small office in Beni in northern North Kivu. The Transitional Government granted ADF/NALU an additional month, until 30 October, for voluntary disarmament. Meanwhile, FARDC prepared for military operations in the area, bringing troop reinforcements from Walikale. This carrot-and-stick approach has begun to bear fruit with a number of ADF/NALU elements having contacted FARDC to inquire about the conditions of voluntary disarmament. MONUC is helping the Amnesty Commission conduct an intensive sensitization campaign in northern North Kivu to bring Ugandan combatants and their dependants into the demobilization process. MONUC has also established a temporary assembly area at Beni to accommodate combatants and their dependants who decide to enter the programme.

Security sector reform: disarmament, demobilization and reintegration and army integration

34. The *brassage* of former factional forces of FARDC was to be implemented in three phases. However, only the first phase has so far been completed with the integration of six brigades. The second phase, which was to have commenced in September, has been delayed by the slow pace in the movement of troops to the *brassage* centres and a shortfall of about 30,000 troops entering the process. A number of practical steps to speed up the second phase of army integration, with the assistance of the international community, were discussed at the 21 October meeting of the *espace présidentiel* and the International Committee in Support of the Transition and also within the framework of the Joint Commission on Security Sector Reform. The Transitional Government has been reminded of the urgent need to take measures to ensure the payment of salaries and the provision of adequate logistical support for military and police personnel.

35. During the reporting period, the national disarmament, demobilization and reintegration process also continued to face difficulties. Delays in the payment of demobilization allowances by the Commission nationale de la démobilisation et de la réinsertion (CONADER) generated serious discontent among ex-combatants.

Despite recent efforts to address the backlog, the reintegration of former combatants into society remains slow.

36. A major hurdle to the army integration and disarmament, demobilization and reintegration processes remains the slow pace of FARDC soldiers entering the assembly areas where disarmament takes place, prior to moving to orientation centres, where qualified applicants are offered the choice of staying in the army or re-entering civilian life through the disarmament, demobilization and reintegration programme. This situation has been raised with the General Staff and other relevant national authorities. The issue of transport of demobilized personnel and candidates for army integration between the various centres continues to be a problem owing to limited Government resources and inadequate coordination of the programme. Moreover, even if additional troops were identified to enter *brassage* and transported to the centres, it should be noted that, so far, 40 to 60 per cent of the combatants entering the orientation centres have opted for demobilization rather than joining the army.

37. In a positive development, the World Bank and the World Food Programme (WFP) have agreed to allow CONADER to cover the cost of transportation from the orientation centres of military personnel who have been disarmed or whose military status has been suspended. Furthermore, the Transitional Government has reviewed the proposals produced by the European Union security advisory mission in the Democratic Republic of the Congo, for the reform of the salary structure and an assessment of training necessary for the various ranks, with a view to implementation by the Supreme Defence Council.

Police reform

38. During the reporting period, the MONUC police component, consisting of 750 members of six formed police units and 391 individual officers, continued to provide support to the Congolese national police. An agreement was reached with the Transitional Government to establish a committee for the planning of the long-term reform of the police and other law enforcement agencies in the country. MONUC also certified 112 national police instructors during this period. By 15 November, some 17,800 territorial police officers had undergone a one-week basic training programme, conducted by the national instructors, on the provision of static security for the registration and polling centres.

39. Since 15 September, MONUC has provided crowd-control training for some 620 national police officers in Lubumbashi, Matadi Mbandaka and Mbuji-Mayi, bringing the number of personnel provided with such training to 5,300. MONUC and the national police have recently developed and shared with donors a national training plan for the Congolese police. Among other things, the plan outlines the training activities that MONUC has provided and that it, together with bilateral partners, Angola, France, South Africa and the European Union, will conduct through March 2006.

40. MONUC police officers are now strategically deployed in 16 locations throughout the country and are co-located with the Inspector General of Police and all of the provincial inspectors. They are tasked with advising on operations planning and management and supporting the implementation of the Government's security plan for the elections. MONUC has assigned two police officers to

permanently liaise with the Independent Electoral Commission and the national operation centre to facilitate security arrangements for the elections.

41. As at 30 November, two formed police units from Bangladesh were deployed to Kinshasa and Kisangani and two units from India had arrived in Kinshasa and Lubumbashi. The deployment of two units from Senegal was completed early in December.

Humanitarian situation

42. In Ituri and parts of South Kivu, there has been an encouraging return of internally displaced persons and refugees and increased access to vulnerable groups in key areas thanks to the improved security situation. However, the continued presence of uncontrolled armed groups in the east, coupled with harassment of civilians by unpaid Government soldiers, often hinders the delivery of critical assistance to vulnerable populations. MONUC has continued to support the activities of humanitarian agencies throughout the country, facilitating the delivery of critical assistance to inaccessible areas and providing security.

43. The voluntary repatriation of Congolese refugees from the United Republic of Tanzania with assistance from the Office of the United Nations High Commissioner for Refugees (UNHCR) began on 12 October. UNHCR is planning for the return of 1,000 refugees each week until the end of 2006. MONUC is supporting the return operation by providing safe water, ground transportation for returnees and air transport for UNHCR personnel.

44. In Ituri, clashes between militias in September led to the displacement of 2,000 people, forcing them to seek shelter in the Eringeti area of North Kivu, where they received humanitarian assistance following the deployment of MONUC and FARDC. The Mission is also working with development partners to reopen the barge service between Ubundu and Kindu in Maniema, which will further open up the country and improve access to some 20 million inhabitants of Katanga, Maniema and Oriental provinces.

Gender

45. MONUC organized a training session from 19 to 21 October for 130 lawyers and magistrates in Kinshasa. The session was designed to inform participants about the Convention on the Elimination of All Forms of Discrimination against Women and other relevant instruments, to help ensure that the rights of women are effectively promoted and protected by the Congolese courts.

46. Working closely with the Independent Electoral Commission, MONUC carried out advocacy, lobbying and special media campaigns targeting Government ministers, parliamentarians, civil society and other stakeholders to ensure that the draft electoral law to be adopted by Parliament ensures equal representation and participation for women in all aspects of the electoral process.

Human rights

47. Serious human rights violations committed by FARDC and national police personnel against civilians continue to be reported. These acts contribute to a climate of fear and insecurity in several towns and provinces, as violent crimes, particularly armed robberies, are conducted with impunity. The situation is worst in Kinshasa, Mbuji-Mayi and Goma, but incidents of violence also continue to be reported in North and South Kivu, northern Katanga and Ituri district. Some killings are suspected to be extrajudicial executions, including the murder in November of a well-known journalist and his wife at their home in Kinshasa.

48. Restrictions on freedom of expression have also continued. During the reporting period more than a dozen journalists, trade union leaders and others were arrested and some of them were transferred to the State Security Court where they face charges of threatening State security and related offences. Some independent publications and broadcasts have also been suppressed.

49. Investigations by MONUC demonstrate a close link between the illegal exploitation of natural resources and violence. In addition to the recent conflict in Mongwalu, frequent violence related to the illegal exploitation of diamonds in the Société minière de bakwanga concession in Mbuji-Mayi and human rights violations committed by corrupt local officials linked to illegal tin mining in Walikale (North Kivu) have continued. In Katanga, in the area around Lunga, illegal exploitation of gold has been the context for violence against civilians by both FARDC and Mayi-Mayi militia groups.

Child protection

50. As a result of efforts by MONUC and other child protection partners, at least 677 children under 18, mostly male, were separated from FARDC units and armed groups (mainly ex-Mayi-Mayi and Ituri militia elements) in Ituri, the Kivus, Kasai Oriental and Katanga. Some 40 children had been integrated into FARDC brigades, highlighting the need for continued monitoring to ensure that no one under 18 is included in the *brassage* process. At the same time, children continued to be re-recruited into militia groups. MONUC has received allegations of 15 children having been re-recruited, mainly in the Kivus, mostly by ex-Mayi-Mayi and ex-ANC militias.

51. The issue of street children continues to be a focus of activity. Local authorities in Kinshasa, Goma, Mbuji-Mayi, Kananga and Kisangani conducted round-ups of street children and adults during the reporting period, apparently in response to complaints by the local population about increased crime. These operations were indiscriminate, targeting all street children in a particular area, and in the case of Kananga, some children sustained serious injuries, allegedly from beatings. While in Kisangani and Goma efforts were made to hand the children over quickly to non-governmental organizations, in Kinshasa, in November, over 100 children, including some who were not street children, were held in police custody for a week without charge. Joint advocacy efforts by MONUC, the United Nations Children's Fund (UNICEF) and non-governmental organizations resulted in their eventual release. Following persistent advocacy by child protection organizations,

the Minister of Social Affairs held a meeting in November with relevant actors and other ministries to develop a national plan for street children.

Rule of law

52. The joint Congolese-international justice reform coordination mechanism held its first meeting on 3 November. The mechanism established by key partners, including MONUC, and jointly chaired by the Minister of Justice and the head of the European Commission delegation in Kinshasa, is intended to foster a coordinated strategy regarding judicial issues. In September and October, MONUC supported training sessions on professional ethics and corruption organized by the Ministries of Defence and Justice for some 100 military and civilian magistrates in Kisangani and Matadi. The seminars were combined with prison inspections and led to a commitment on the part of the Minister of Justice to increase the deployment of magistrates and prosecutors in Province Orientale, the Kivus, Maniema and Equateur, in order to expedite the processing of cases, eliminate unlawful detention and reduce prison overcrowding.

53. During the reporting period, military justice authorities took some measures to combat impunity. Eight soldiers were given life sentences for human rights violations and another soldier was convicted of crimes against humanity by a military court in Kindu. The trial of FARDC officers accused of participating in a mass rape in Equateur in December 2003 opened in October. International arrest warrants for Laurent Nkunda and Jules Mutebutsi were issued in October. A number of ex-Mayi-Mayi accused of having carried out mass rape and other abuses in Katanga in May 2005 were arrested. At the same time, however, a number of Ituri warlords continue to evade arrest for international crimes and there is serious concern about the capacity and independence of military courts to guarantee fair trials. The military leadership has succeeded in blocking the conclusion of a trial of an army officer accused of the killing of four children during a shooting incident in North Kivu on 30 June. The security of defendants, witnesses and judicial personnel for such trials is not assured. In this connection, MONUC has set up a unit to facilitate the physical protection of witnesses, victims of human rights violations and human rights defenders at risk of attack from members of the security forces due to their involvement in cases.

Public information

54. The MONUC public information division focused on educating the public and the political parties regarding the electoral process through Radio Okapi, special publications, community outreach efforts and MONUC websites. Special information materials are being provided for civic education activities to encourage voters to participate in an informed manner.

55. Radio Okapi's special elections team is working to maximize news, current affairs and electoral programmes broadcast by national stations. The broadcasting capacity of Radio Okapi has been enhanced with the installation of new transmitters increasing the coverage to 80 per cent of the territory of the Democratic Republic of the Congo.

HIV/AIDS

56. In partnership with United Nations agencies, on 20 October, MONUC organized an HIV/AIDS fair in Beni which attracted some 5,000 visitors. It provided an opportunity for national and international organizations to highlight their HIV/AIDS-related activities and emphasize the need for community participation in preventing the spread of the epidemic. MONUC organized a capacity-building workshop for 35 media personnel in Kinshasa from 26 to 29 October, to encourage more effective media campaigns on HIV/AIDS. Additionally, a conference on voluntary confidential counselling and testing was organized in Kinshasa, with support from the United Nations agencies, to strengthen the Mission's capacity to provide confidential counselling and testing for HIV.

Integrated mission concept

57. Progress has continued in implementing the integrated mission approach through joint planning mechanisms to address the post-electoral period, when the United Nations system will increasingly focus on development rather than relief.

58. The 2006 Democratic Republic of the Congo Action Plan, which has been developed through consultation between MONUC, the United Nations agencies, donors, non-governmental organizations and the national authorities, is near completion. The Plan lays out a common strategic framework linking humanitarian needs to transition programmes, thereby paving the way for post-conflict recovery and stability. It provides a dynamic tool for the coordination of some $1 billion in assistance opportunities that are identified in the Plan. As part of its innovative approach, the Plan will ensure that the United Nations system maximizes its impact during the post-electoral period by implementing integrated programmes.

59. The Office for the Coordination of Humanitarian Affairs has taken the lead in developing the humanitarian section of the Action Plan. Some $700 million in projects have been identified in the first two lines of action — Saving Lives and Building a Protective Environment — which respond to the country's humanitarian needs. The third line of action, Promoting Stability, aims to fast-track key parts of the country's Poverty Reduction Strategy Paper, which has been prepared by the Transitional Government and will serve as the strategic framework for all donor development assistance as soon as it is adopted, probably early in 2006. The United Nations agencies will jointly implement high-impact transition programmes in the areas of small arms and mine action, rule of law, social services, rural recovery, national dialogue and government coordination. The programmes are aimed at delivering tangible peace dividends to the population, accelerating the country's recovery, promoting national reconciliation and contributing to sustainable peace.

60. Protection of civilians continues to be an important unifying theme for MONUC and the United Nations and the United Nations family. Joint coordination mechanisms have been established at the central and provincial levels, in which the Mission's civilian, police and military components work closely with the Office for the Coordination of Humanitarian Affairs, UNHCR, UNICEF and the humanitarian community. The objective of these mechanisms is to promote a pragmatic field-based approach to civilian protection, including direct protection activities by MONUC peacekeepers.

IV. Conduct and discipline

61. Pursuant to General Assembly resolution 59/287, the Office for Addressing Sexual Exploitation and Abuse formally handed over all pending cases and new allegations to the Office of Internal Oversight Services on 4 October. On 8 November, the Conduct and Discipline Team was established in MONUC to ensure the prevention of all types of personnel misconduct, with particular emphasis on sexual exploitation and abuse, as well as compliance with and the enforcement of United Nations standards of conduct among all categories of mission personnel. This new entity will build upon and directly benefit from the significant and visible achievements of the former Office for Addressing Sexual Exploitation and Abuse in terms of policy development, implementation of the MONUC training strategy and the setting up of networks of focal points on sexual exploitation and abuse at the MONUC and inter-agency levels. The Conduct and Discipline Team and the Office of Internal Oversight Services are collaborating in resolving potential problem areas and in defining efficient procedures to ensure transparency and clarity in the new processes within MONUC.

62. From 25 December 2004 to mid-October 2005, 111 investigations into allegations of sexual exploitation and abuse, involving 167 MONUC personnel, were completed. As a result of the investigations, allegations were substantiated against 78 personnel (more than 50 per cent of the alleged perpetrators), comprising 0.4 per cent of all MONUC personnel. Allegations against all levels and categories of personnel, from support staff to senior managers and from the rank and file to commanding officers, were substantiated.

63. The Conduct and Discipline Team continues to provide induction training to all new Mission personnel and informal training sessions for other sections, as requested. As at 16 November, 60 briefings for over 1,500 MONUC personnel had been held. To support these efforts, the Team is recruiting a training officer.

64. In accordance with my Special Representative's instructions on the development and implementation of regional action plans for the prevention of sexual exploitation and abuse, eight action plans have been submitted to the Team and 77 civilian, military and police focal points have been nominated for their respective regions. Measures to prevent sexual exploitation and abuse in all components of MONUC remain in place. Information on measures taken by MONUC to address sexual exploitation and abuse are on the MONUC website, including applicable standards of conduct; the complaints mechanism; support for and assistance to victims; and training.

65. The Conduct and Discipline Team continues to maintain a referral system for victims of sexual exploitation and abuse, which facilitates referrals on a case-by-case basis to non-governmental organizations which have agreed to provide the necessary support. The inter-agency focal point network on sexual exploitation and abuse, chaired by the Team, decided to strengthen its joint approach to combating sexual exploitation and abuse in such key areas as common standards and procedures.

V. Administrative aspects

66. During the reporting period, the Department of Peacekeeping Operations commenced a review of the Mission's organization and staffing levels, as requested by the legislative bodies during recent administrative and budgetary sessions on MONUC. While the report has yet to be finalized, the initial findings bring out several of the concerns that MONUC has already identified and set out to address. A key concern is the chronic difficulty of recruiting and retaining staff in all areas, including the support component. The vacancy rate of the Mission currently stands at about 27 per cent. The review also supported the establishment of a logistics base in Entebbe. By redeploying some of the resources presently located in the west of the country, it has been possible to use Entebbe as the main transit point for MONUC goods destined for the Democratic Republic of the Congo. MONUC, UNMIS and the United Nations Operation in Burundi have recommended that an inter-mission cooperation framework be pursued so that resources can be pooled in an Entebbe-based logistics hub, which the three Missions could rely on for common services. The modalities for cooperation and cost-sharing are under development.

67. Support for the voter registration process has remained the primary logistics focus of the Mission. MONUC completed the distribution of voter registration material to the 166 sites identified, and has provided considerable additional air support to help the Independent Electoral Commission reach particularly remote registration centres.

VI. Financial aspects

68. My proposed budget for MONUC for the period from 1 July 2005 to 30 June 2006 is in the amount of $1.1 billion, inclusive of the commitment authority of $387.2 million approved by the General Assembly in its resolution 59/285 B. It provides for the maintenance of the Mission's additional military and civilian police strength authorized by the Security Council in its resolution 1565 (2004) and includes requirements for the support of elections and formed police units authorized by the Council in its resolution 1621 (2005). The budget is before the General Assembly and is expected to be approved shortly.

69. As at 15 November, unpaid assessed contributions to the MONUC special account amounted to $292.9 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,149.2 million.

70. On 1 December, amounts owed for troop and contingent-owned equipment costs totalled $96.5 million. Owing to the Mission's precarious financial situation, reimbursements of troop and equipment costs were suspended in January and June 2005, respectively, and continue to be in arrears.

71. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million, with expenditure to date of $1.2 million. From the amount of $67,700, representing the balance of contributions to the trust fund to support the Ituri Pacification Commission and utilized upon consultation with the donors to support the Ituri district administration, expenditures amounted to $39,300.

VII. Observations

72. The progress made during the reporting period in the Democratic Republic of the Congo, in particular with regard to the voter registration process and the successful holding of the constitutional referendum on 18 and 19 December, is encouraging. The very large turnout of Congolese citizens for registration reflects their strong desire for representative and democratic governance. Although the turnout was lower for the referendum, its conduct marks a significant turning point in the history of the country and represents the first opportunity for the Congolese people to choose their system of governance in over 40 years. I congratulate the people of the Democratic Republic of the Congo for taking this first important step towards the holding of elections in the coming months.

73. At the same time, as was highlighted during the Security Council's recent visit to the Great Lakes region, the Transitional Government and its leaders still have to demonstrate in more concrete terms their commitment to fulfilling their obligations under the Global and All-Inclusive Agreement, particularly with regard to ensuring a level playing field for elections, and to demonstrate tangible progress in the extension of State administration, social and economic recovery and security sector reform. I would urge all Congolese and international stakeholders to remain engaged and to allocate the necessary means to continue working together towards meeting the outstanding objectives of the transitional agenda.

74. The Transitional Government has made significant progress in advancing the legislative agenda, particularly with the adoption of the amnesty law in November. The Parliament should accelerate its review of the electoral law and approve it as soon as possible so that it can be adopted without delay. In considering the draft law, the Parliament is expected to ensure that it provides for an electoral system in which the population will have confidence. Moreover, post-electoral stability will depend upon the cooperation of all political parties and the population accepting the results of the election. The Transitional Government should therefore publish an electoral timetable and significantly step up civic education. In regard to electoral campaigning, the political parties will have to refrain from any use of hate messages and provocative language.

75. Effectively addressing the many issues that remain under the transitional agenda will be vital in ensuring durable stability in the Democratic Republic of the Congo. An area of particular concern is the slow progress in the reform of the security sector, particularly at the institutional level, in the preparation of police and military forces on the ground to assume their responsibilities for effectively ensuring security, and in the reintegration of demobilized combatants. Proposals to address these issues have been presented by international partners to the Government, including through the Joint Commission on Security Sector Reform. I call on the Government to work in earnest with its partners to implement those proposals so that there can be significant progress in the coming months in building a viable national security system. Altogether, security sector reform remains a critical element for the success of the peace process.

76. During the reporting period, the Transitional Government followed up on its 16 July decision to forcibly disarm foreign armed groups, which is a welcome sign and deserves to be supported. The robust military actions taken by FARDC, with support from MONUC, have yielded some commendable advances. However, they

have not yet produced the full disarmament and repatriation of foreign armed groups. A key reason for this is the continued lack of capacity and resources for FARDC units on the ground, which needs to be urgently addressed.

77. At the same time, the Governments of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda have clearly registered their concern that the presence of foreign armed groups from Uganda and Rwanda on Congolese territory continues to pose a threat to regional security and have asked that the United Nations re-examine strategies that might assist them in resolving this issue. It is obvious that pressure for FDLR to disarm and repatriate should continue. I also recognize the need for innovative approaches, but any proposal to provide a peacekeeping mission with a mandate for forcible disarmament would need very careful consideration. Furthermore, the enforcement option should be dealt with in a broader context, as one element in a multifaceted strategy. I intend to present recommendations to the Council in this regard in my next report. Meanwhile, the United Nations will need to revisit its disarmament, demobilization, repatriation, reinsertion and resettlement strategy, putting it in a more comprehensive context and reviewing the possibility of a more targeted military approach while considering information-sharing, judicial, economic, sanctions and amnesty issues and addressing the necessity for the full commitment of all concerned.

78. In this regard, it should be recognized that the main responsibility for disarming and repatriating foreign armed groups rests with the Government of the Democratic Republic of the Congo. However, as long as the Government does not provide adequate support to its troops, they will be tempted to sustain themselves and serious joint MONUC/FARDC military efforts to disarm the foreign armed groups will be unsustainable. FARDC and MONUC have already reviewed the minimum resources necessary for FARDC units to conduct operations with MONUC, in accordance with the joint concept of operations outlined in my report of 26 September 2005 (S/2005/603), which they will shortly share with donors. I strongly urge donors to seriously consider this request, which, on the part of the Government, must go hand in hand with the restructuring of its military administration. I welcome in this connection the contribution of the Netherlands to support these efforts.

79. The humanitarian crisis in the Democratic Republic of the Congo remains severe and there is a significant shortfall in resources to address it. So far, only $220 million of humanitarian funding for 2005 has been received, of which $106 million was channelled through the consolidated appeal process. I very much hope that the development of the 2006 Democratic Republic of the Congo Action Plan will provide a basis for linking humanitarian needs to programmes that pave the way for post-conflict recovery and stability. A special post-transition strategy will have to be developed well before elections.

80. Another area requiring serious attention is strengthening the Government's sovereignty, including its ability to effectively manage the country's natural resources and provide basic services to the population. A coordinated and strategic approach by the Congolese authorities and the international community, particularly the international financial institutions and key donors, will be indispensable for the Transitional Government to implement effective and transparent regulatory controls, including those applying to the management of public enterprises; revenues from

taxes, customs and natural resources; the payment of salaries to civil servants, including the military and the police; and the allocation of Government contracts.

81. The recent arrest and detention by Congolese authorities of the Ituri militia leader allegedly responsible for the massacre of 13 Bangladeshi peacekeepers in February is a most welcome development. This is an important step towards combating impunity in the Democratic Republic of the Congo. Law and order cannot be achieved in the absence of effective judicial and corrections institutions. I therefore call on the Government to work actively with the international community to increase the capacity of the judicial system nationwide and to ensure humane conditions of detention.

82. In closing, I would like to thank my Special Representative and the personnel of MONUC, the United Nations system and international partners for their tireless efforts, often under conditions of grave personal risk, in the pursuance of peace in the Democratic Republic of the Congo and the whole of the Great Lakes region.